



AGENDA
BOARD OF ZONING APPEALS MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
MAY 26, 2015
6:00 P.M.

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Board of Zoning Appeals, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")

1. Call to Order/determination of quorum
2. Verification of Open Meetings Law compliance
3. Roll Call
4. Pledge of Allegiance
5. Approval of Minutes
 - a. May 18, 2015 - Regular Meeting
6. Recess and reconvene to gather additional information at 641 Kreuser's Ridge (Tax Key: V10_1215008)
7. Reconvene at Village Hall
8. PUBLIC HEARING
 - a. Discussion/Action regarding a variance application submitted by Ms. Janean Richardson for property located at 641 Kreuser's Ridge (Tax Key: V10_1215008)
9. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov.

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

1. Call to Order

Chairman Bilda called the meeting to order at 6:00 p.m.

2. Verification of Open Meetings Law Compliance

Village Administrator Healy stated that the meeting notice had been posted at all three (3) U.S Post Office buildings, Village Hall and online. Additionally, proper Class II Public Notice was published in the West Bend Daily News.

3. Roll Call

In attendance were Chairman Robert Bilda, Board members Jack Lietzau, Don Weiland and Alternates Richard Schlei and Dick Becker.

Board Members Brian Gallitz and Justin Perrault had excused absences.

Village Administrator Jim Healy and Administrative Services Coordinator KateLynn Schmitt were present.

4. Pledge of Allegiance

5. Approval of Minutes

a. April 13, 2015– Regular Meeting

Motion by Board member Jack Litetzau to approve the meeting minutes from April 13, 2015, as drafted; Seconded by Board member Don Weiland; Motion passed without objection.

6. Recess and Reconvene to gather additional information at 641 Kreuser's Ridge (Tax Key: V10_1215008)

Administrator Healy provided the Board of Zoning Appeals with several dates for consideration, May 26th, 27th, and June 1st and 2nd. It was mutually agreed by the Board and the Applicant that a meeting in May was preferable.

Motion by Board member Don Wieland to table site and public hearing for 641 Kreuser's Ridge (Tax Key: V10-1215008) until May 27, 2015 at 6:00 p.m.; Seconded by Board member Jack Lietzau; Motion passed without objection.

7. Reconvene at Village Hall

8. PUBLIC HEARING

- a. **Discussion/Action regarding a variance application submitted by Ms. Jenean Richardson for property located at 641 Kreuser's Ridge (Tax Key: V10_1215008)**

9. Adjournment

Motion by Board member Dick Becker to adjourn; Seconded by Board member Don Wieland;
Motion passed without objection at 6:03 p.m.

Respectfully Submitted

Jim Healy
Village Administrator



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: May 26, 2015

SUBJECT: Variance Petition for 641 Kreuser's Ridge (Tax Key: V10_1215008)

DATE SUBMITTED: May 20, 2015

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE BOARD OF ZONING APPEALS BELIEVE THE APPLICANT MET THE BURDEN FOR PROVING AN UNNECESSARY HARDSHIP, UNIQUE PROPERTY LIMITATIONS, AND A COMPELLING PUBLIC INTEREST FOR THE REQUESTED VARIANCE FROM 70.134(C)(2), RELATING TO THE PLACING OF AN ACCESSORY STRUCTURE AHEAD OF A PRINCIPAL STRUCTURE?

ISSUE SUMMARY:

The issue before us tonight is whether or not the petitioner has made a compelling case for the requested 'Area Variance'. Our applicant tonight is requesting a variance from Section 70.134(C)(2) which states that "*Accessory uses and structures are permitted only in the rear and/or side yard...*". Given the proposed accessory structure location and "survey" we've received, the petitioner is requesting a variance of approximately 31' so that she may have the ability to construct an accessory structure in front of her home at the notch in her driveway. She is proposing a 22'x24' garage which is roughly a 2.5 car garage.

Area variances provide an incremental relief (normally small) from a physical dimensional restriction such a building height or setback (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*). As you well-know, in order to legally grant a variance, the petitioner must prove three different criteria:

- 1) **Unnecessary Hardship:** For this type of variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustment, 2004*). To determine whether this standard is met, our Board should consider the purpose of the zoning ordinance in question, its effects on the property, and the short-term, long-term, and cumulative effects of granting the variance (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*).

The notion of a stand-alone use, one use per lot, which is common and typical in most zoning ordinances in Wisconsin is actually a relatively recent phenomenon. Going back in history, it wasn't unusual to have multiple uses on one lot or even under the same roof. In this situation we are dealing with an 'Accessory Use/Structure'. For background, this type of use is defined as:

"A use or detached structure subordinate to the principal use of a structure, land or water and location on the same lot or parcel serving a purpose customarily incidental to the permitted principal use or the structure in which the principal use is housed."

In looking at this term or use from a 35,000 foot view, the classification of an 'Accessory Use/Structure' allows communities to selectively permit (or to prohibit) uses associated with the principal use of the land. It also provides communities with greater accuracy in classifying land use designations. The placement of these structures provides uniformity to a neighborhood and helps determine the relationships and placement between structures. In the Village's Zoning Code, these provisions are located in 70.134, entitled "Site Restrictions".

In the Village's Zoning Code there are multiple variations of "setbacks" which depend greatly on the zoning classification the parcel is in and the size of the parcel in question. That is not the case with those provisions which are found in 70.134. These provisions are intended to be 'all encompassing' and applicable to every parcel in the Village of Richfield, regardless of zoning classification or size. The only parcels in the Village where 'detached accessory structures' may be constructed in front of homes are those parcels which abut Bark Lake, Friess Lake, Amy Belle Lake, and Lake Five.



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: May 26, 2015

Applicant's Response:

"The need for a variance arises because it would be very difficult to comply with the requirements that are set forth by the Village planning and zoning commission."

"If I am required to put this 2 ½ car garage which is 22'x24' into this hill it would add a lot of extra cost to remove the soil and fill along with an extension which would be needed to my driveway."

Staff's Response:

It is the belief of Staff that the variance in question may be due to a self-imposed hardship. An applicant may not claim hardship because of conditions which are self-imposed (*State ex rel. Markdale Corp v. Bd of Appeals of Milwaukee, 1965; Snyder v. Waukesha County Zoning Board of Adjustments, 1976*). The self-imposed hardship in this situation could be that it may be possible for an accessory structure to be built on this property without the need for a variance. Having the need for additional storage is also a self-imposed hardship. Finally, economic loss or financial hardship does not justify a variance (*State v. Winnebago County 1995; State v. Ozaukee County Bd of Adjustments, 1989*). Additional information will need to be gathered during the site visit and Public Hearing to determine if this standard is met.

2) Hardship Due to Unique Property Limitations

Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance with the ordinance (*State ex rel. Spinner v. Kenosha County Bd. Of Adjustments, 1998*).

Applicant's Response:

"First of all, I have a challenging grade level to my lot, which includes severe lot contours. My house, which is a raised ranch, is built into a very slopping hill."

"The grade of the soil is much more level with minimal fill removal."

Staff's Response:

Applicant's argument for having unique property limitations due to the steep grade is in Staff's opinion not particularly convincing. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances (*Snyder v. Waukesha County Zoning Bd. of Adjustment, 1976*). Ms. Richardson is the original owner of this home. During the development phase of this lot the home could have been reconfigured or moved closer to the street to avoid issues with the "severe lot contours". An applicant may not claim hardship because of conditions which are self-imposed (*State ex rel. Markdale Corp. v. Bd of Appeals Milwaukee, 1965, Snyder v. Waukesha County Zoning Board of Adjustment, 1976*). Additional information will need to be gathered during the site visit and Public Hearing to determine if this standard is met.

3) No Harm to Public Interests

A variance may not be granted which results in harm to public interests (*State v. Winnebago County, 1995; State v. Kenosh County Bd. Of Adjustments, 1998*). In applying this test, the Zoning Board should review the purpose statement of the ordinance and related statutes in order to identify public interests. In light of public interests, zoning boards must consider the short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interest of neighbors,



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: May 26, 2015

the community, and even the state. Review should focus on the general public interest, rather than the narrow interests or impacts on neighbors, patrons or residents in close proximity of the project.

Applicant's Response:

"(Having to place the garage in a compliant location) would also take away some of my natural tree line, which in turn would take away the natural green space on my property."

"There is plenty of green space available at this location in my yard. And the garage facing the north direction, we still have plenty of set back off of the road. And also facing my neighbor to the north. I have enough yard space from the road and all of my neighbors around me that this garage would not have any impact upon them. It would be eye-appealing with the same color siding and shingles to match my home."

"This approval would not affect the public health, safety, moral or general welfare of this community."

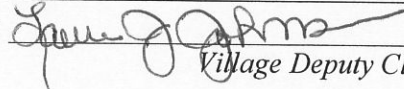
Staff's Response:

In looking at the totality of what this decision may have on the Village, oftentimes the first place to look as a Staff is the actual intent of what the "Site Restrictions" are intended to accomplish. As stated previously, this section of the Village Code applies to all parcels in the Village. These are essential standards and are the 'baseline', for lack of a better term, of our zoning code.

From looking at the petition from a globalized perspective, one could make an argument that allowing the placement of garages in front of homes or other similar properties may have a negative cumulative effect. It certainly is not common and typical to see accessory garages in front of homes, not only in Richfield, but just generally speaking. Staff is of the mindset that the public interest is served best and the spirit of the ordinance is followed when citizens are allowed a reasonable use of their property as prescribed by the Village Code.

While it is without question that this property has mature woody vegetation that would shield it from the view of neighbors, it is the opinion of Staff that this is not something the Board ought to consider. A lack of objections from neighbors does not provide a basis for granting a variance (*Arndorfer v. Sauk County Bd. Of Adjustments, 1991*). More information will need to be gathered during the Public Hearing to see whether or not this standard has been met.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: 
Village Deputy Clerk

Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: YES

ATTACHMENTS:

1. E-mail from West Bend Daily News confirming publication of the scheduled Public Hearing
2. List of properties who were notified of the scheduled Public Hearing
3. Application materials submitted by Applicant
4. Site Restrictions, Section 70.134
5. Potential building footprint overlays and site plans

STAFF RECOMMENDATION:

MOTION TO DIRECT STAFF TO DRAFT A FORMAL DECISION LETTER REGARDING THE VARIANCE PETITION, PROCEEDINGS, AND GENERAL OUTCOME WITH THE INTENTION THAT THIS LETTER WILL BE SIGNED BY THE VOTING MEMBERS OF THE BOARD OF ZONING APPEALS AND A COPY OF SAID DOCUMENT WILL BE PROVIDED TO THE PETITIONER.



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: May 26, 2015

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
BOARD ACTION TAKEN

Katey M. Smith

Village Staff Member

Resolution No. _____

Continued To: _____

Ordinance No. _____

Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____

[Signature]
Village Administrator

(Class II Pubic Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Monday, May 18, 2015

PLEASE TAKE NOTICE:

Pursuant to the requirements of Section 19.84, Wis. Stats., and provisions of the Village of Richfield Zoning Ordinance, the Richfield Board of Appeals will conduct a public hearing on Monday, May 18, 2015 at 6:00 p.m. at the Village Hall located at 4128 Hubertus Road, to consider the variance petition submitted by Jenean Richardson for property located at 641 Krueser's Ridge (Tax Key: V10-1215-008). The petitioner is seeking a variance from Section 70.134(C)(2), which only permits accessory structures in side and rear yards.

The Board will convene the meeting at the time specified above. Pursuant to provisions of the Village of Richfield Zoning Ordinance, the Board will view the subject property at that time. Following the site inspection, the Board will reconvene at the Village Hall for further deliberations.

Jim Healy
Village Administrator
Planning and Zoning Administrator

Publish:
Wednesday, May 6, 2015
Tuesday, May 12, 2015

*

V10-1215-008
Janean Richardson
641 Kreuser's Rdg
Colgate, WI 53017

V10-1215-009
David R. Markovich
Or Current Resident
659 Kreuser's Rdg
Colgate, WI 53017

V10-1215-010
Robert L Kreuser Trust
671 Kreuser's Rdg
Colgate, WI 53017

V10-1215-011
John A. Runnells
674 Kreuser's Rdg
Colgate, WI 53017

V10-1215-012
Steven M. Gardipee
Or Current Resident
670 Kreuser's Rdg
Colgate, WI 53017

V10-1215-013
Thomas J. Nolan
Or Current Resident
662 Kreuser's Rdg
Colgate, WI 53017

V10-1215-014
Todd A. Petri
Or Current Resident
648 Kreuser's Rdg
Colgate, WI 53017

V10-1215-015
Noel Paque
Or Current Resident
634 Kreuser's Rdg
Colgate, WI 53017

V10-1215-016
Margurite Churchill
Or Current Resident
614 Kreuser's Rdg
Colgate, WI 53017

V10-1215-017
Thomas R. Lewis
Or Current Resident
600 Kreuser's Rdg
Colgate, WI 53017

V10-1216
Dale Dieball
Arnold A+Deborah M Wickland
N91 W25617 Tomahawk Dr
Sussex, WI 53089

V10-1215-007
David A. Bonk
Or Current Resident
627 Kreuser's Rdg
Colgate, WI 53017

V10-1215-006
Gary M. Kasten
Or Current Resident
611 Kreuser's Rdg
Colgate, WI 53017

V10-1215-005
Frank J. Kachelmeier
Or Current Resident
595 Kreuser's Rdg
Colgate, WI 53017

V10-1214-022
Deborah A. Harvey
Or Current Resident
566 Kettle Rdg
Colgate, WI 53017

V10-1214-021
Jeff A. Duncan
Or Current Resident
588 Kettle Rdg
Colgate, WI 53017

V10-1214-020
Nicholas and Daniell Herzog
W241 N2573 E Parkway Meadow Ci
Pewaukee, WI 53072

V10-1214-017
Alan D & Carol Ann Burczyk Trust
Or Current Resident
637 Moraine Ct
Colgate, WI 53017

V10-1214-016
Gregory G. Shaw
Or Current Resident
632 Moraine Ct
Colgate, WI 53017

V10-1214-014& 015
Kenneth J. Adamec
Or Current Resident
646 Moraine Ct
Colgate, WI 53017

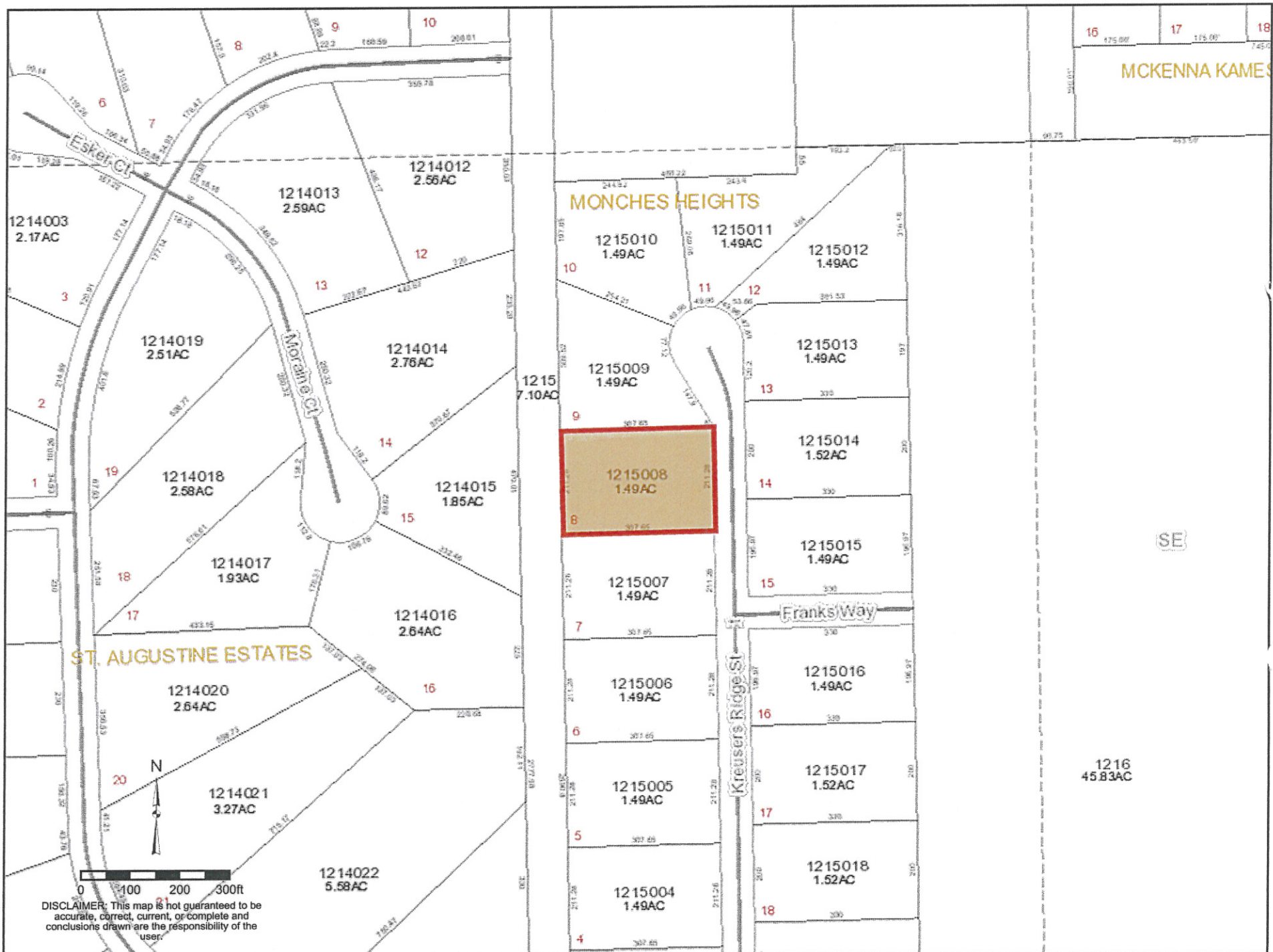
V10-1214-013
Kenneth T. Berg
Or Current Resident
656 Moraine Ct
Colgate, WI 53017

V10-1214-012
Paul M. Ostrander
Or Current Resident
676 Kettle Rdg
Colgate, WI 53017

V10-1214-019
Colleen A. Sweek
Or Current Resident
655 Moraine Ct
Colgate, WI 53017

V10-1214-018
Paul D. Propst
Or Current Resident
647 Moraine Ct
Colgate, WI 53017

*mailed
5/5/15 mp*



APRIL 27, 2015

TO THE VILLAGE OF RICHFIELD PLANNING & ZONING
COMMISSION

THE NEED FOR A VARIANCE ARISES BECAUSE IT WOULD BE VERY
DIFFICULT TO COMPLY WITH THE REQUIREMENTS THAT ARE SET
FORTH BY THE VILLAGE PLANNING AND ZONING COMMISSION.

FIRST OF ALL I HAVE A CHALLENGING GRADE LEVEL TO MY LOT,
WHICH INCLUDES SEVERE LOT CONTOURS. MY HOUSE WHICH IS
A RAISED RANCH IS BUILT INTO A VERY SLOPPING HILL.
IF I AM REQUIRED TO PUT THIS 2 ½ CAR GARAGE WHICH IS 22X24
FEET INTO THIS HILL IT WOULD ADD A LOT OF EXTRA COST TO
REMOVE THE SOIL AND FILL ALONG WITH AN EXTENSION WHICH
WOULD BE NEEDED TO MY DRIVEWAY. IT WOULD ALSO TAKE
AWAY SOME OF MY NATURAL TREE LINE, WHICH IN TURN
WOULD TAKE AWAY THE NATURAL GREEN SPACE ON MY
PROPERTY.

IF ALLOWED TO BUILD OFF OF MY TURN AROUND WHICH EXIST
NOW IN MY DRIVEWAY WHICH FACES THE NORTH DIRECTION,
THE GRADE OF THE SOIL IS MUCH MORE LEVEL WITH MINIMAL
FILL REMOVAL. THUS IT WOULD NOT HAVE AN IMPACT ON THE
NATURAL TREE LINE WHICH IS PRESENT.
THERE IS PLENTY OF GREEN SPACE AVAILABLE AT THIS
LOCATION IN MY YARD. AND WITH THE GARAGE FACING THE
NORTH DIRECTION, WE STILL HAVE PLENTY OF SET BACK OFF OF
THE ROAD. AND ALSO FACING MY NEIGHBOR TO THE NORTH.
I HAVE ENOUGH YARD SPACE FROM THE ROAD AND ALL OF MY
NEIGHBORS AROUND ME THAT THIS GARAGE WOULD NOT HAVE
ANY IMPACT UPON THEM. IT WOULD BE EYE APPEALING WITH
THE SAME COLOR SIDING AND SHINGLES TO MATCH MY HOME.

YOUR CONSIDERATION WITH RE-EVALUATING THIS GARAGE
PROJECT WITH THIS VARIANCE WOULD BE GREATLY

APPRECIATED !

THIS APPROVAL WOULD NOT AFFECT THE PUBLIC HEALTH,
SAFETY, MORAL OR GENERAL WELFARE OF THIS COMMUNITY.

SINCERELY,

Janean Richardson

JANEAN RICHARDSON

Design # 84901



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4/18/2015

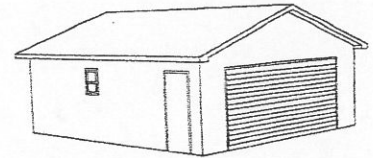
Items Selected:

Gable roof w/ 4/12 pitch, standard trusses 2' O.C.
Truss Design Location Zip Code: 53017
2x4 Wall Framing Material
22' Wide X 24' Deep X 8' High
Vinyl Dbl 4" Lap Siding
- White
7/16" OSB Wall Sheathing
12" gable/12" eave overhangs
7/16" OSB Roof Sheathing
Oakridge, Driftwood Shingles
Sandstone Aluminum Soffit & Fascia
Sandstone Premium Roof Edge
Smokey Sable

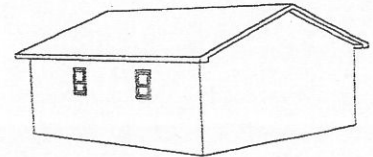
Options Selected:

The options you have selected are:
15 LB Roof Felt
2 Rows Granular Ice & Water Barrier
1 - 32x80 Service Door - CP1 Flush Steel RS
3 - 22-1/4x30 Window - White Double Hung Utility
1 - 16x7 Overhead Door - Non-Insulated Ribbed

Front View



Back View



Estimated base price: \$3,598.34*

The base price includes: 0" Eave/0" Gable Overhangs, Framing Materials, 7/16 OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx Black Shingles, Pine Fascia, Galv Regular Roof Edge, 8" Textured Vertical Hardboard Siding. All selected overhead, service and sliding doors are included. Windows and other options are NOT included.

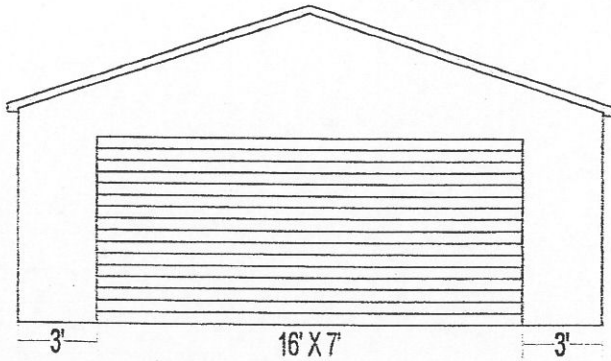
Estimated price: \$4,554.39*

*Today's estimated price, future pricing may go up or down.
*Tax, labor, and delivery not included.

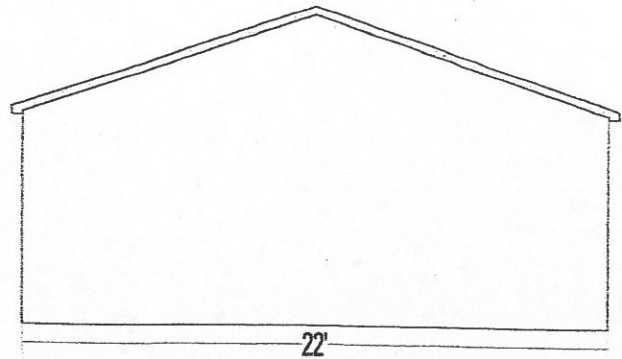
*** Take this sheet to the Building Materials counter to purchase your materials. ***

13
Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also not included. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated are subject to change without notice.

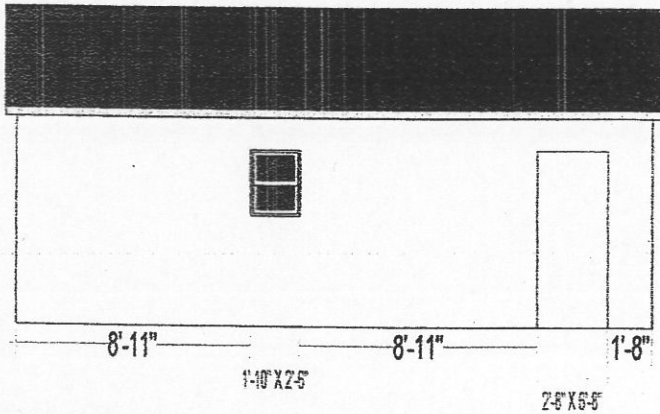
Illustration May Not Depict All Options Selected



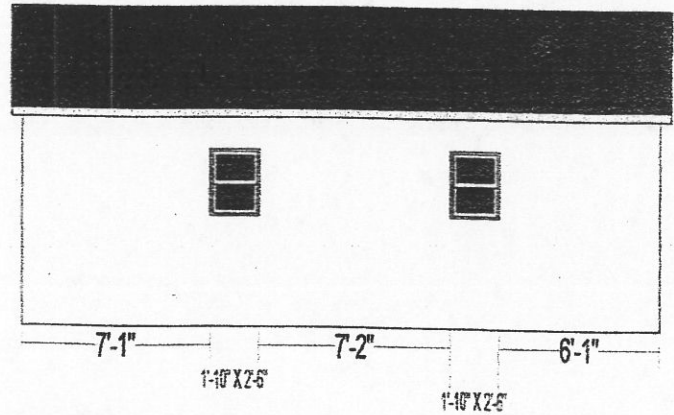
Gable Front View
(1) - M5EST 16X7 EZ-SET WHITE M5EST NONINS



Gable Back View



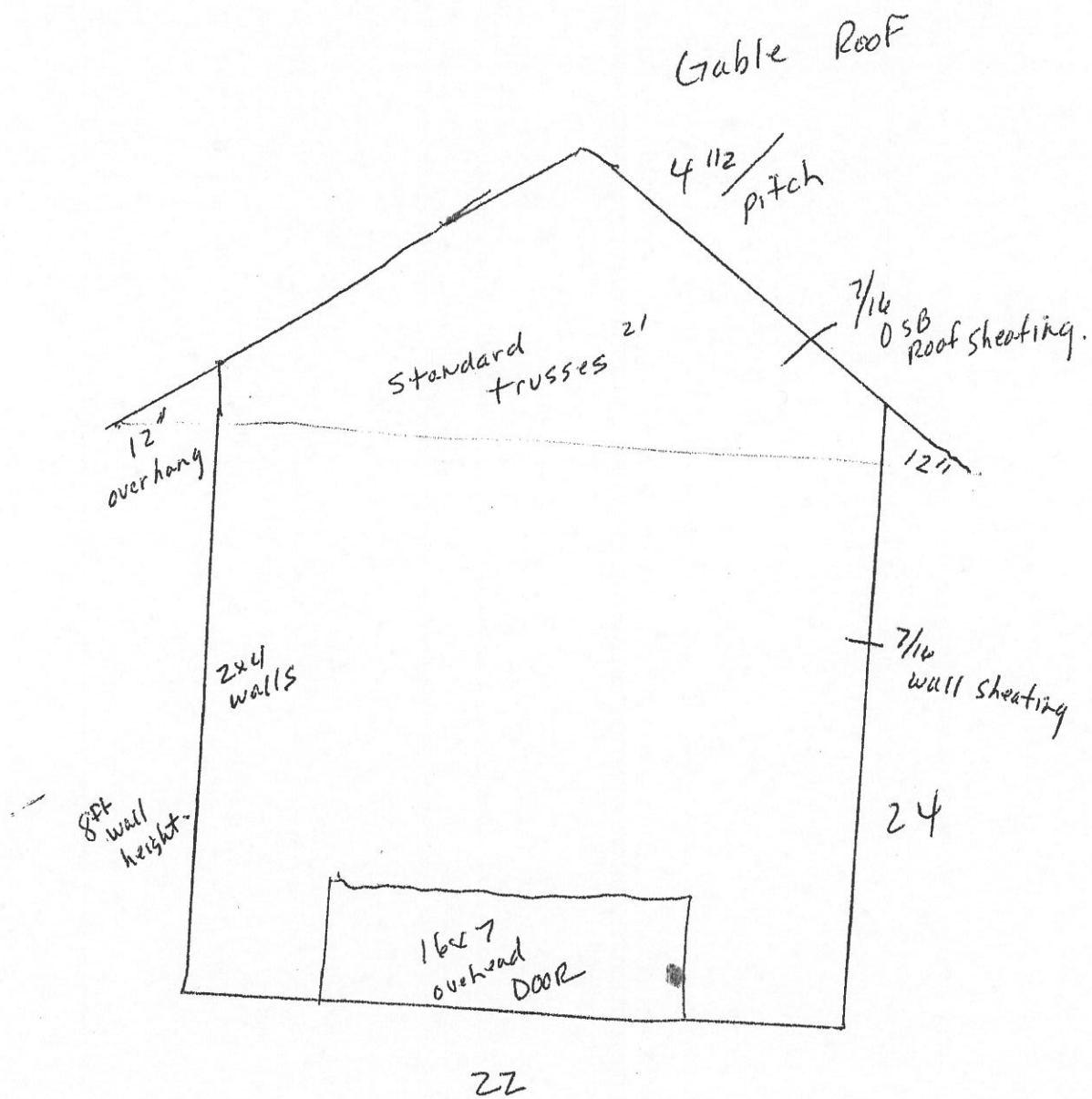
Eave Front View
(1) - 22"X30" WHITE ALUM SH UTILITY C60
(1) - CP1 FLUSH STEEL DOOR PH 32X80 RH SB

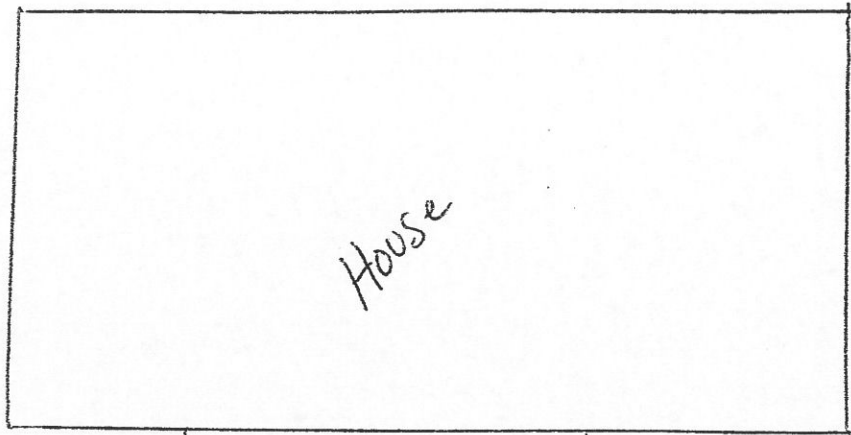


Eave Back View
(2) - 22"X30" WHITE ALUM SH UTILITY C60

Building Size: 22 feet wide X 24 feet long X 8 feet high
Approximate Peak Height: 12 feet 0 inches (144 inches)

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

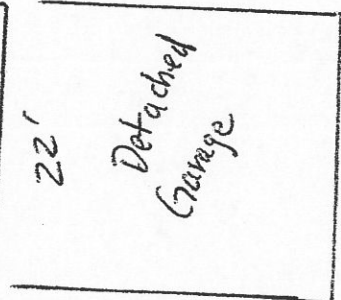




58'

28'

31 feet away from house



22'

Detached Garage

24"

22x24

1.5'

138 ft to site from Road.

65 feet from box

2

Kreuser Ridge.

e





**Village of Richfield
Planning and Zoning**

4128 Hubertus Road
Hubertus, WI 53033
(p)262.628.2260 ♦ (f)262.628.2984

VARIANCE APPLICATION CHECKLIST

- ☐ **Pre-application meeting with Village Staff**
 - Date of meeting: _____
- ☐ **Application Received**
 - Date received: _____
- ☐ **Determination of completeness**
 - Date reviewed for completeness: _____
- ☐ **Processing of application fee into BDS**
- ☐ **Public Hearing notice sent to West Bend Daily News**
 - Confirmation of publication e-mail received on: _____
- ☐ **Public Hearing notice published in newspaper, first insertion**
 - Date of first insertion: _____
 - Confirmed by Deputy Clerk: _____
- ☐ **Public Hearing notice published in newspaper, second insertion**
 - Date of second insertion (7 days b/w last publication and public hearing): _____
 - Confirmed by Deputy Clerk: _____
- ☐ **Notice sent to property owners within 300' of property**
 - Date sent to property owners: _____
- ☐ **Site visit and meeting agenda prepared**
- ☐ **Site visit and meeting agenda posted at designated locations**
 - Hubertus Post Office _____
 - Colgate Post Office _____
 - Richfield Post Office _____
- ☐ **Agenda sent to applicant(s)**
 - Via e-mail _____
 - Via regular mail _____
- ☐ **Staff report sent to Board of Zoning Appeals members**
 - Date is Friday before Board of Zoning Appeals meeting: _____
- ☐ **Staff report sent to applicant**
 - Date is Friday before Board of Zoning Appeals meeting: _____
- ☐ **Meeting agenda posted online: _____**
- ☐ **Board of Zoning Appeals meeting/public hearing**
- ☐ **Written decision sent to applicant and/or minutes of meeting**
 - Date of decision letter being sent: _____

Complete this application and submit nine (9) copies to the Village Planning and Zoning Administrator along with the application fee. Before you formally submit your application, you may submit one copy to the Planning and Zoning Administrator who will ensure it is complete and provides enough information to describe the circumstances related to this application.

Overview

The most common appeals heard by the Board of Appeals are from property owners seeking a "variance" from one or more of the dimensional requirements established in the Zoning Ordinance, e.g. building setbacks. A "variance" is permission granted by the Board of Appeals to build or develop in a way that is different than required or allowed under the Ordinance.

It is important to understand that in accordance with Wisconsin Statutes the Village's appeal procedures are enforced so that variances are granted only in response to unique limitations that affect and/or prohibit the use and development of a given property that are deemed by the Board of appeals to constitute an unusual or unnecessary, but not self-imposed "hardship" or circumstance, provided however that the requirements being varied to not result in harm to adjoining property, the neighborhood, and the general public interest.

Variances will not be granted for reasons that are common to other properties or for such simple reasons as the desires of the property owner. Variances are not granted routinely. Furthermore the existence of non-conforming buildings and properties or the granting of variances to other properties does not justify nor guarantee that the Board of Appeals will approve the variance. The decision is based on the evidence and testimony received as part of the application, during their site review of the property and through the public hearing process.

Additional Requirements

In addition to the criteria listed on this application, to qualify for a variance under FEMA regulations for property under the regulations of the Floodplain development standards contained in Sec. 70.213, the following criteria must be met:

- The variance may not cause any increase in the regional flood elevation
- Variance can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE (Regional Flood Elevation)
- Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risk to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of Village Code Sec. 70.213

Use Variance

No variance(s) that would allow the use of a property and/or structure in any zoning district that is not a stated principal use or accessory use in that particular district, or, that would result in the intensification or increase in density of building area or lots of such principal or accessory uses shall be granted by the Board unless it finds based on the evidence and testimony submitted as part of the public records that all the following facts and conditions exist:

- Unnecessary Hardship
- Unique Property Limitations
- Public Interest

Area Variance

No variance(s) that would remove or make less strict or severe any setback, frontage, height, building or yard location, or other area restrictions and/or requirements that apply to a property and/or structure in any zoning district shall be granted by the Board unless it finds based on the evidence and testimony submitted as part of the public record that all of the following facts and conditions exist:

- Unnecessary Hardship
- Unique Property Limitations
- Public Interest

The Board of Appeals may impose special conditions on any use or development being proposed in order to ensure that these criteria can and will continue to be met. Only the minimal amount of relief necessary to allow reasonable use or development of the property will be granted. Unless otherwise stipulated by a condition of approval, variances that permit some type of building or development will expire after twelve (12) months unless the building or development commences within 12 months and continues in reasonable manner toward completion.

Property Owner Information

Name: Janean Richardson
Company Name: —
Mailing Address: 641 Kreuser's Ridge
City: Colgate State: WI Zip: 53017
Phone Number: 262-628-0159 Fax: — Email: janeanrich64@yahoo.com

Property Information

Tax Parcel Number: V10 1215 008 Size of Parcel (acres): 1.5 acres Zoning: —
Physical Address: 641 Kreuser's Ridge
City: Colgate State: WI Zip: 53017

Request

What is the nature of your request for this variance? Example: to reduce the side yard setback from the required 30 feet to 25 feet in order to build an addition. To build my garage north of my turn around off my driveway,

with a setback of 3 feet from existing driveway. I have plenty of open area
for a 22x24 garage. I am at least 65 feet away from the neighbor to my north.
No harm to adjoining property, neighborhood or general public. 138 feet from
the road to the east. Kreuser's Ridge.

Section or Sections of Code

List the section or sections of the code that are related to your variance request.

70.134 Site restrictions - C-2

Supplemental Information

As a part of this application, include a plat of survey as prepared by a registered land surveyor, which depicts the following information as it applies to the variance being requested:

- ☐ Engineering scale and north arrow
- ☐ Name of project and location/vicinity map
- ☐ Owner's and/or developer's name and mailing address
- ☐ Architect and/or engineer's name and mailing address
- ☐ Date of plan submittal
- ☐ Location of all property lines, existing and proposed buildings and structures including fences, berms and walls, setback lines and yard requirements, easements, access restrictions, designated and mapped wetlands and 100-year floodplains, signs, exterior lights
- ☐ Location and number of access driveways and intersections to public roads, paved areas, parking, loading and storage areas
- ☐ Locations and size of existing and proposed septic tanks and disposal fields, holding tanks, storm water facilities, erosion control features, and landscaping areas
- ☐ Location of proposed solid waste (refuse) storage area
- ☐ Location of pedestrian sidewalks and walkways
- ☐ Existing and proposed public right-of-way widths
- ☐ Existing and proposed street names
- ☐ Any other site or use information which will assist the Planning and Zoning Administrator in reviewing the application and making a determination of zoning compliance
- ☐ A table, chart or schedule of building floor area and total impervious surface coverage in acres, square feet, and ratio, landscaped surface/open space coverage in acres, square feet and ratio, land area in acres and square feet, minimum parking space requirements and spaces provided
- ☐ Color rendering or model (optional) of property to be developed, including all buildings, parking areas, drainage basins and facilities, landscaping, and exterior lighting (See Planning and Zoning Administrator for examples)
- ☐ Existing zoning and land uses on adjoining property
- ☐ Any other site or use information which will assist the Planning and Zoning Administrator in reviewing the application and making a determination of zoning compliance

Unnecessary Hardship

Describe why you believe strict compliance with the zoning regulation(s) from which the variance(s) is/are being sought would create a subject practical difficulty or be unreasonably burdensome to the property owner in terms of severely limiting or prohibiting the reasonable use of the property as intended under the zoning ordinance and when compared to surrounding properties. _____

Unique Property Limitations

Describe why you believe the unnecessary hardship is due to unique or special conditions or limitations affecting the subject property and/or structure that are not typical or generally shared by other surrounding properties. _____

Public Interest

Describe why the variance if granted would not be contrary to the public interest by creating or having the potential for creating an adverse impact on the public, health, safety, or welfare of adjoining and surrounding residents, properties or the community. _____

Property Owner Affidavit

I certify that I am the Owner(s) of the property which is the subject of this application in the Village of Richfield, Washington County, Wisconsin, and that all the information attached to or provided in support of said application, including sketches, data, and any other documents and material, are honest and true to the best of my (our) knowledge.

I understand and acknowledge the responsibility for any and all fees charged or costs incurred by the Village of Richfield to carry out the processing and review of this application; I (we) further acknowledge and understand that I (we) will be required to start an escrow account to which all processing and review cost will be charged; I (we) further acknowledge that in the event that the initial fee is not sufficient to cover all the costs associated with processing and reviewing the application I (we) will be required to provide the Village of Richfield an additional deposit; I (we) further acknowledge that the balance of any remaining fees shall be refunded within a reasonable amount of time after this application has been processed or withdrawn.

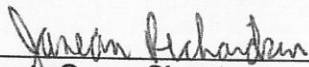
I understand that a change to one of the future land use maps does not change the zoning designation of the property. However, a rezoning of the property must be consistent with the 10-year future land use map.

I certify that the members of the Board of Appeals, along with Village Staff and other officials, and members of the public may enter my property to view the same.

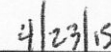
I understand that if the Board of Appeals grants the variance I must obtain all other approvals required under Chapter 70 of the Village Code.

I understand that I should not contact any members of the Board of Appeals regarding this matter and that doing so may require that member to abstain from voting on this matter.

I understand as Owner(s) of the property subject of this application understand that this application and all required forms and information must be completed and accurate, as determined by the Planning and Zoning Administrator for the Village of Richfield, before a meeting and/or public hearing (if required) can be scheduled.



Property Owner Signature



Date